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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------------------------------|-------------|----------------------|-----------------------------------|------------------|
| 10/722,153 | 11/25/2003 | Pat Inglese | 21480-RA | 7010 |
| 30184 | 7590 | 07/28/2005 | | |
| MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C. 1899 POWERS FERRY ROAD SUITE 310 ATLANTA, GA 30339 | | | EXAMINER HYLTON, ROBIN ANNETTE | |
| | | | ART UNIT 3727 | PAPER NUMBER |

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The reply filed on May 2, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Amended independent claims 1,33, 65, and 108 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: independent claims 1,65, and 108 set forth the collection device as a collapsible container and a concrete reservoir which is disclosed as a truck in the instant application, and claim 33 sets forth the collection device as a collapsible container and a support frame, wherein the support frame is not set forth in the instant applicant as forming a portion of the inventive collapsible bag.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-7,15-21,24-30,32-39,47-53,56-32,64-71,79-85,88-94,96,108, and 109 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Wherein the claims are withdrawn, there are no claims currently present for consideration on the merits.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which

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require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 872-9306 on the date shown below:

Typed or printed name of person signing this certificate

Signature _____

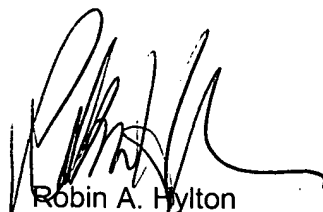
Date _____

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse, can be reached on (571) 272-4544.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAH
July 25, 2005



Robin A. Hylton
Primary Examiner
GAU 3727